



Executive Committee

Adopted in House Comm. on Oct 14, 2009

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LRB096 07050 HLH 29919 a

1 AMENDMENT TO SENATE BILL 941

2 AMENDMENT NO. _____. Amend Senate Bill 941 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regional Transportation Authority Act is
5 amended by changing Sections 2.01d, 2.30, 4.03.3, 4.04, and
6 4.11 as follows:

7 (70 ILCS 3615/2.01d)

8 Sec. 2.01d. ADA Paratransit Fund. The Authority shall
9 establish an ADA Paratransit Fund and, each year, deposit into
10 that Fund (i) the amounts estimated by the Authority as
11 necessary to fund the operating deficit of the Suburban Bus
12 Board in the provision of ADA paratransit service, together
13 with a reserve amount described in ~~directed by~~ Section 4.03.3
14 of this Act and the proceeds of any Working Cash Notes issued
15 to fund that operating deficit, and (ii) any funds received
16 from the State pursuant to appropriations for the purpose of

1 funding ADA paratransit services. The amounts on deposit in the
2 Fund and interest and other earnings on those amounts shall be
3 used by the Authority to fund the operating deficit of ~~make~~
4 ~~grants to~~ the Suburban Bus Board in the operation of ~~for~~ ADA
5 paratransit services provided pursuant to plans approved by the
6 Authority under Section 2.30 of this Act. Funds received by the
7 Suburban Bus Board from the Authority's ADA Paratransit Fund
8 shall be used only to provide ADA paratransit services to
9 individuals who are determined to be eligible for such services
10 by the Authority under the Americans with Disabilities Act of
11 1990 and its implementing regulations. Revenues from and costs
12 of services provided by the Suburban Bus Board with grants made
13 under this Section shall be included in the Annual Budget and
14 Two-Year Financial Program of the Suburban Bus Board and shall
15 be subject to all budgetary and financial requirements under
16 this Act that apply to ADA paratransit services. Beginning in
17 2008, the Executive Director shall, no later than August 15 of
18 each year, provide to the Board a written determination of the
19 projected annual costs of ADA paratransit services that are
20 required to be provided pursuant to the Americans with
21 Disabilities Act of 1990 and its implementing regulations. The
22 Authority shall conduct triennial financial, compliance, and
23 performance audits of ADA paratransit services to assist in
24 this determination.

25 (Source: P.A. 95-708, eff. 1-18-08.)

1 (70 ILCS 3615/2.30)

2 Sec. 2.30. Paratransit services.

3 (a) For purposes of this Act, "ADA paratransit services"
4 shall mean those comparable or specialized transportation
5 services provided by, or under grant or purchase of service
6 contracts of, the Service Boards to individuals with
7 disabilities who are unable to use fixed route transportation
8 systems and who are determined to be eligible, for some or all
9 of their trips, for such services under the Americans with
10 Disabilities Act of 1990 and its implementing regulations.

11 (b) Beginning July 1, 2005, the Authority is responsible
12 for the funding, from amounts on deposit in the ADA Paratransit
13 Fund established under Section 2.01d of this Act, financial
14 review and oversight of all ADA paratransit services that are
15 provided by the Authority or by any of the Service Boards. The
16 Suburban Bus Board shall operate or provide for the operation
17 of all ADA paratransit services by no later than July 1, 2006,
18 except that this date may be extended to the extent necessary
19 to obtain approval from the Federal Transit Administration of
20 the plan prepared pursuant to subsection (c).

21 (c) No later than January 1, 2006, the Authority, in
22 collaboration with the Suburban Bus Board and the Chicago
23 Transit Authority, shall develop a plan for the provision of
24 ADA paratransit services and submit such plan to the Federal
25 Transit Administration for approval. Approval of such plan by
26 the Authority shall require the affirmative votes of 12 of the

1 then Directors. The Suburban Bus Board, the Chicago Transit
2 Authority and the Authority shall comply with the requirements
3 of the Americans with Disabilities Act of 1990 and its
4 implementing regulations in developing and approving such plan
5 including, without limitation, consulting with individuals
6 with disabilities and groups representing them in the
7 community, and providing adequate opportunity for public
8 comment and public hearings. The plan shall include the
9 contents required for a paratransit plan pursuant to the
10 Americans with Disabilities Act of 1990 and its implementing
11 regulations. The plan shall also include, without limitation,
12 provisions to:

13 (1) maintain, at a minimum, the levels of ADA
14 paratransit service that are required to be provided by the
15 Service Boards pursuant to the Americans with Disabilities
16 Act of 1990 and its implementing regulations;

17 (2) transfer the appropriate ADA paratransit services,
18 management, personnel, service contracts and assets from
19 the Chicago Transit Authority to the Authority or the
20 Suburban Bus Board, as necessary, by no later than July 1,
21 2006, except that this date may be extended to the extent
22 necessary to obtain approval from the Federal Transit
23 Administration of the plan prepared pursuant to this
24 subsection (c);

25 (3) provide for consistent policies throughout the
26 metropolitan region for scheduling of ADA paratransit

1 service trips to and from destinations, with consideration
2 of scheduling of return trips on a "will-call" open-ended
3 basis upon request of the rider, if practicable, and with
4 consideration of an increased number of trips available by
5 subscription service than are available as of the effective
6 date of this amendatory Act;

7 (4) provide that service contracts and rates, entered
8 into or set after the approval by the Federal Transit
9 Administration of the plan prepared pursuant to subsection
10 (c) of this Section, with private carriers and taxicabs for
11 ADA paratransit service are procured by means of an open
12 procurement process;

13 (5) provide for fares, fare collection and billing
14 procedures for ADA paratransit services throughout the
15 metropolitan region;

16 (6) provide for performance standards for all ADA
17 paratransit service transportation carriers, with
18 consideration of door-to-door service;

19 (7) provide, in cooperation with the Illinois
20 Department of Transportation, the Illinois Department of
21 Public Aid and other appropriate public agencies and
22 private entities, for the application and receipt of
23 grants, including, without limitation, reimbursement from
24 Medicaid or other programs for ADA paratransit services;

25 (8) provide for a system of dispatch of ADA paratransit
26 services transportation carriers throughout the

1 metropolitan region, with consideration of county-based
2 dispatch systems already in place as of the effective date
3 of this amendatory Act;

4 (9) provide for a process of determining eligibility
5 for ADA paratransit services that complies with the
6 Americans with Disabilities Act of 1990 and its
7 implementing regulations; beginning no later than January
8 1, 2010, that process shall be operated by the Suburban Bus
9 Division as part of the cost of the ADA paratransit
10 services to be paid from the ADA Paratransit Fund;

11 (10) provide for consideration of innovative methods
12 to provide and fund ADA paratransit services; and

13 (11) provide for the creation of one or more ADA
14 advisory boards, or the reconstitution of the existing ADA
15 advisory boards for the Service Boards, to represent the
16 diversity of individuals with disabilities in the
17 metropolitan region and to provide appropriate ongoing
18 input from individuals with disabilities into the
19 operation of ADA paratransit services.

20 (d) All revisions and annual updates to the ADA paratransit
21 services plan developed pursuant to subsection (c) of this
22 Section, or certifications of continued compliance in lieu of
23 plan updates, that are required to be provided to the Federal
24 Transit Administration shall be developed by the Authority, in
25 collaboration with the Suburban Bus Board and the Chicago
26 Transit Authority, and the Authority shall submit such

1 revision, update or certification to the Federal Transit
2 Administration for approval. Approval of such revisions,
3 updates or certifications by the Authority shall require the
4 affirmative votes of 12 of the then Directors.

5 (e) The Illinois Department of Transportation, the
6 Illinois Department of Public Aid, the Authority, the Suburban
7 Bus Board and the Chicago Transit Authority shall enter into
8 intergovernmental agreements as may be necessary to provide
9 funding and accountability for, and implementation of, the
10 requirements of this Section.

11 (f) By no later than April 1, 2007, the Authority shall
12 develop and submit to the General Assembly and the Governor a
13 funding plan for ADA paratransit services. Approval of such
14 plan by the Authority shall require the affirmative votes of 12
15 of the then Directors. The funding plan shall, at a minimum,
16 contain an analysis of the current costs of providing ADA
17 paratransit services, projections of the long-term costs of
18 providing ADA paratransit services, identification of and
19 recommendations for possible cost efficiencies in providing
20 ADA paratransit services, and identification of and
21 recommendations for possible funding sources for providing ADA
22 paratransit services. The Illinois Department of
23 Transportation, the Illinois Department of Public Aid, the
24 Suburban Bus Board, the Chicago Transit Authority and other
25 State and local public agencies as appropriate shall cooperate
26 with the Authority in the preparation of such funding plan.

1 (g) Any funds derived from the federal Medicaid program for
2 reimbursement of the costs of providing ADA paratransit
3 services within the metropolitan region shall be directed to
4 the Authority and shall be used to pay for or reimburse the
5 costs of providing such services.

6 (h) Nothing in this amendatory Act shall be construed to
7 conflict with the requirements of the Americans with
8 Disabilities Act of 1990 and its implementing regulations.

9 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

10 (70 ILCS 3615/4.03.3)

11 Sec. 4.03.3. Distribution of Revenues. This Section
12 applies only after the Department begins administering and
13 enforcing an increased tax under Section 4.03(m) as authorized
14 by this amendatory Act of the 95th General Assembly. After
15 providing for payment of its obligations with respect to bonds
16 and notes issued under the provisions of Section 4.04 and
17 obligations related to those bonds and notes, the Authority
18 shall disburse the remaining proceeds from taxes it has
19 received from the Department of Revenue under this Article IV
20 and the remaining proceeds it has received from the State under
21 Section 4.09(a) as follows:

22 (a) With respect to taxes imposed by the Authority under
23 Section 4.03, after withholding 15% of 80% of the receipts from
24 those taxes collected in Cook County at a rate of 1.25%, 15% of
25 75% of the receipts from those taxes collected in Cook County

1 at the rate of 1%, 15% of one-half of the receipts from those
2 taxes collected in DuPage, Kane, Lake, McHenry, and Will
3 Counties, and 15% of money received by the Authority from the
4 Regional Transportation Authority Occupation and Use Tax
5 Replacement Fund or from the Regional Transportation Authority
6 tax fund created in Section 4.03(n), the Board shall allocate
7 the proceeds and money remaining to the Service Boards as
8 follows:

9 (1) an amount equal to (i) 85% of 80% of the receipts
10 from those taxes collected within the City of Chicago at a
11 rate of 1.25%, (ii) 85% of 75% of the receipts from those
12 taxes collected in the City of Chicago at the rate of 1%,
13 and (iii) 85% of the money received by the Authority on
14 account of transfers to the Regional Transportation
15 Authority Occupation and Use Tax Replacement Fund or to the
16 Regional Transportation Authority tax fund created in
17 Section 4.03(n) from the County and Mass Transit District
18 Fund attributable to retail sales within the City of
19 Chicago shall be allocated to the Chicago Transit
20 Authority;

21 (2) an amount equal to (i) 85% of 80% of the receipts
22 from those taxes collected within Cook County outside of
23 the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of
24 the receipts from those taxes collected within Cook County
25 outside the City of Chicago at a rate of 1%, and (iii) 85%
26 of the money received by the Authority on account of

1 transfers to the Regional Transportation Authority
2 Occupation and Use Tax Replacement Fund or to the Regional
3 Transportation Authority tax fund created in Section
4 4.03(n) from the County and Mass Transit District Fund
5 attributable to retail sales within Cook County outside of
6 the City of Chicago shall be allocated 30% to the Chicago
7 Transit Authority, 55% to the Commuter Rail Board, and 15%
8 to the Suburban Bus Board; and

9 (3) an amount equal to 85% of one-half of the receipts
10 from the taxes collected within the Counties of DuPage,
11 Kane, Lake, McHenry, and Will shall be allocated 70% to the
12 Commuter Rail Board and 30% to the Suburban Bus Board.

13 (b) Moneys received by the Authority on account of
14 transfers to the Regional Transportation Authority Occupation
15 and Use Tax Replacement Fund from the State and Local Sales Tax
16 Reform Fund shall be allocated among the Authority and the
17 Service Boards as follows: 15% of such moneys shall be retained
18 by the Authority and the remaining 85% shall be transferred to
19 the Service Boards as soon as may be practicable after the
20 Authority receives payment. Moneys which are distributable to
21 the Service Boards pursuant to the preceding sentence shall be
22 allocated among the Service Boards on the basis of each Service
23 Board's distribution ratio. The term "distribution ratio"
24 means, for purposes of this subsection (b), the ratio of the
25 total amount distributed to a Service Board pursuant to
26 subsection (a) of Section 4.03.3 for the immediately preceding

1 calendar year to the total amount distributed to all of the
2 Service Boards pursuant to subsection (a) of Section 4.03.3 for
3 the immediately preceding calendar year.

4 (c) (i) 20% of the receipts from those taxes collected in
5 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%
6 of the receipts from those taxes collected in Cook County under
7 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from
8 those taxes collected in DuPage, Kane, Lake, McHenry, and Will
9 Counties under Section 4.03, and (iv) amounts received from the
10 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)
11 of Section 4.09 (a) (3) shall be allocated as follows: (A) in
12 2008, \$100,000,000 shall be deposited in the ADA Paratransit
13 Fund described in Section 2.01d, \$20,000,000 shall be deposited
14 in the Suburban Community Mobility Fund described in Section
15 2.01e, and \$10,000,000 shall be deposited in the Innovation,
16 Coordination and Enhancement Fund described in Section 2.01c,
17 ~~and the balance shall be allocated 48% to the Chicago Transit~~
18 ~~Authority, 39% to the Commuter Rail Board, and 13% to the~~
19 ~~Suburban Bus Board; (B) and in 2009 and each year thereafter,~~
20 the amounts deposited into ~~in~~ the ADA Paratransit Fund in 2009,
21 and amounts deposited into, the Suburban Community Mobility
22 Fund and the Innovation, Coordination and Enhancement Fund
23 respectively in 2009 and each year thereafter shall equal the
24 amount deposited in the previous year increased or decreased by
25 the percentage growth or decline in revenues received by the
26 Authority from taxes imposed under Section 4.03 in the previous

1 year; (C) the amount deposited into the ADA Paratransit Fund in
2 2010 and each year thereafter shall be the sum of the amount
3 estimated by the Board from time to time as the operating
4 deficit for ADA paratransit services for that year under
5 Section 4.11 of this Act, plus 10% of that amount as a reserve,
6 plus any amounts necessary to pay principal of and interest on
7 Working Cash Notes issued to fund cash flow deficits of the
8 Suburban Bus Board in the provision of ADA paratransit service,
9 less the amount estimated by the Board to be the surplus in the
10 ADA Paratransit Fund for the previous year; and (D) after
11 making the deposits required in items (A) through (C) above,
12 the balance shall be allocated 48% to the Chicago Transit
13 Authority, 39% to the Commuter Rail Board and 13% to the
14 Suburban Bus Board.

15 (d) Amounts received from the State under Section 4.09
16 (a)(3)(iv) shall be distributed 100% to the Chicago Transit
17 Authority.

18 (e) With respect to those taxes collected in DuPage, Kane,
19 Lake, McHenry, and Will Counties and paid directly to the
20 counties under Section 4.03, the County Board of each county
21 shall use those amounts to fund operating and capital costs of
22 public safety and public transportation services or facilities
23 or to fund operating, capital, right-of-way, construction, and
24 maintenance costs of other transportation purposes, including
25 road, bridge, public safety, and transit purposes intended to
26 improve mobility or reduce congestion in the county. The

1 receipt of funding by such counties pursuant to this paragraph
2 shall not be used as the basis for reducing any funds that such
3 counties would otherwise have received from the State of
4 Illinois, any agency or instrumentality thereof, the
5 Authority, or the Service Boards.

6 (f) The Authority by ordinance adopted by 12 of its then
7 Directors shall apportion to the Service Boards funds provided
8 by the State of Illinois under Section 4.09(a)(1) as it shall
9 determine and shall make payment of the amounts to each Service
10 Board as soon as may be practicable upon their receipt provided
11 the Authority has adopted a balanced budget as required by
12 Section 4.01 and further provided the Service Board is in
13 compliance with the requirements in Section 4.11.

14 (g) Beginning January 1, 2009, before making any payments,
15 transfers, or expenditures under this Section to a Service
16 Board, the Authority must first comply with Section 4.02a or
17 4.02b of this Act, whichever may be applicable.

18 (Source: P.A. 95-708, eff. 1-18-08.)

19 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

20 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

21 (a) The Authority shall have the continuing power to borrow
22 money and to issue its negotiable bonds or notes as provided in
23 this Section. Unless otherwise indicated in this Section, the
24 term "notes" also includes bond anticipation notes, which are
25 notes which by their terms provide for their payment from the

1 proceeds of bonds thereafter to be issued. Bonds or notes of
2 the Authority may be issued for any or all of the following
3 purposes: to pay costs to the Authority or a Service Board of
4 constructing or acquiring any public transportation facilities
5 (including funds and rights relating thereto, as provided in
6 Section 2.05 of this Act); to repay advances to the Authority
7 or a Service Board made for such purposes; to pay other
8 expenses of the Authority or a Service Board incident to or
9 incurred in connection with such construction or acquisition;
10 to provide funds for any transportation agency to pay principal
11 of or interest or redemption premium on any bonds or notes,
12 whether as such amounts become due or by earlier redemption,
13 issued prior to the date of this amendatory Act by such
14 transportation agency to construct or acquire public
15 transportation facilities or to provide funds to purchase such
16 bonds or notes; and to provide funds for any transportation
17 agency to construct or acquire any public transportation
18 facilities, to repay advances made for such purposes, and to
19 pay other expenses incident to or incurred in connection with
20 such construction or acquisition; and to provide funds for
21 payment of obligations, including the funding of reserves,
22 under any self-insurance plan or joint self-insurance pool or
23 entity.

24 In addition to any other borrowing as may be authorized by
25 this Section, the Authority may issue its notes, from time to
26 time, in anticipation of tax receipts of the Authority or of

1 other revenues or receipts of the Authority, in order to
2 provide money for the Authority or the Service Boards to cover
3 any cash flow deficit which the Authority or a Service Board
4 anticipates incurring, including, but not limited to, cash flow
5 deficits related to the provision of ADA paratransit service by
6 the Suburban Bus Board. Any such notes are referred to in this
7 Section as "Working Cash Notes". No Working Cash Notes shall be
8 issued for a term of longer than 24 months. Proceeds of Working
9 Cash Notes may be used to pay day to day operating expenses of
10 the Authority or the Service Boards, consisting of wages,
11 salaries and fringe benefits, professional and technical
12 services (including legal, audit, engineering and other
13 consulting services), office rental, furniture, fixtures and
14 equipment, insurance premiums, claims for self-insured amounts
15 under insurance policies, public utility obligations for
16 telephone, light, heat and similar items, travel expenses,
17 office supplies, postage, dues, subscriptions, public hearings
18 and information expenses, fuel purchases, and payments of
19 grants and payments under purchase of service agreements for
20 operations of transportation agencies, prior to the receipt by
21 the Authority or a Service Board from time to time of funds for
22 paying such expenses. In addition to any Working Cash Notes
23 that the Board of the Authority may determine to issue, the
24 Suburban Bus Board, the Commuter Rail Board or the Board of the
25 Chicago Transit Authority may demand and direct that the
26 Authority issue its Working Cash Notes in such amounts and

1 having such maturities as the Service Board may determine.

2 Notwithstanding any other provision of this Act, any
3 amounts necessary to pay principal of and interest on any
4 Working Cash Notes issued at the demand and direction of a
5 Service Board or any Working Cash Notes the proceeds of which
6 were used for the direct benefit of a Service Board or any
7 other Bonds or Notes of the Authority the proceeds of which
8 were used for the direct benefit of a Service Board shall
9 constitute a reduction of the amount of any other funds
10 provided by the Authority to that Service Board, except any
11 amounts necessary to pay principal of and interest on Working
12 Cash Notes issued to fund cash flow deficits of the Suburban
13 Bus Board in the provision of ADA paratransit service shall be
14 accounted for as paid from amounts deposited in the ADA
15 Paratransit Fund under Section 4.03.3. The Authority shall,
16 after deducting any costs of issuance, tender the net proceeds
17 of any Working Cash Notes issued at the demand and direction of
18 a Service Board to such Service Board as soon as may be
19 practicable after the proceeds are received. The Authority may
20 also issue notes or bonds to pay, refund or redeem any of its
21 notes and bonds, including to pay redemption premiums or
22 accrued interest on such bonds or notes being renewed, paid or
23 refunded, and other costs in connection therewith. The
24 Authority may also utilize the proceeds of any such bonds or
25 notes to pay the legal, financial, administrative and other
26 expenses of such authorization, issuance, sale or delivery of

1 bonds or notes or to provide or increase a debt service reserve
2 fund with respect to any or all of its bonds or notes. The
3 Authority may also issue and deliver its bonds or notes in
4 exchange for any public transportation facilities, (including
5 funds and rights relating thereto, as provided in Section 2.05
6 of this Act) or in exchange for outstanding bonds or notes of
7 the Authority, including any accrued interest or redemption
8 premium thereon, without advertising or submitting such notes
9 or bonds for public bidding.

10 (b) The ordinance providing for the issuance of any such
11 bonds or notes shall fix the date or dates of maturity, the
12 dates on which interest is payable, any sinking fund account or
13 reserve fund account provisions and all other details of such
14 bonds or notes and may provide for such covenants or agreements
15 necessary or desirable with regard to the issue, sale and
16 security of such bonds or notes. The rate or rates of interest
17 on its bonds or notes may be fixed or variable and the
18 Authority shall determine or provide for the determination of
19 the rate or rates of interest of its bonds or notes issued
20 under this Act in an ordinance adopted by the Authority prior
21 to the issuance thereof, none of which rates of interest shall
22 exceed that permitted in the Bond Authorization Act. Interest
23 may be payable at such times as are provided for by the Board.
24 Bonds and notes issued under this Section may be issued as
25 serial or term obligations, shall be of such denomination or
26 denominations and form, including interest coupons to be

1 attached thereto, be executed in such manner, shall be payable
2 at such place or places and bear such date as the Authority
3 shall fix by the ordinance authorizing such bond or note and
4 shall mature at such time or times, within a period not to
5 exceed forty years from the date of issue, and may be
6 redeemable prior to maturity with or without premium, at the
7 option of the Authority, upon such terms and conditions as the
8 Authority shall fix by the ordinance authorizing the issuance
9 of such bonds or notes. No bond anticipation note or any
10 renewal thereof shall mature at any time or times exceeding 5
11 years from the date of the first issuance of such note. The
12 Authority may provide for the registration of bonds or notes in
13 the name of the owner as to the principal alone or as to both
14 principal and interest, upon such terms and conditions as the
15 Authority may determine. The ordinance authorizing bonds or
16 notes may provide for the exchange of such bonds or notes which
17 are fully registered, as to both principal and interest, with
18 bonds or notes which are registerable as to principal only. All
19 bonds or notes issued under this Section by the Authority other
20 than those issued in exchange for property or for bonds or
21 notes of the Authority shall be sold at a price which may be at
22 a premium or discount but such that the interest cost
23 (excluding any redemption premium) to the Authority of the
24 proceeds of an issue of such bonds or notes, computed to stated
25 maturity according to standard tables of bond values, shall not
26 exceed that permitted in the Bond Authorization Act. The

1 Authority shall notify the Governor's Office of Management and
2 Budget and the State Comptroller at least 30 days before any
3 bond sale and shall file with the Governor's Office of
4 Management and Budget and the State Comptroller a certified
5 copy of any ordinance authorizing the issuance of bonds at or
6 before the issuance of the bonds. After December 31, 1994, any
7 such bonds or notes shall be sold to the highest and best
8 bidder on sealed bids as the Authority shall deem. As such
9 bonds or notes are to be sold the Authority shall advertise for
10 proposals to purchase the bonds or notes which advertisement
11 shall be published at least once in a daily newspaper of
12 general circulation published in the metropolitan region at
13 least 10 days before the time set for the submission of bids.
14 The Authority shall have the right to reject any or all bids.
15 Notwithstanding any other provisions of this Section, Working
16 Cash Notes or bonds or notes to provide funds for
17 self-insurance or a joint self-insurance pool or entity may be
18 sold either upon competitive bidding or by negotiated sale
19 (without any requirement of publication of intention to
20 negotiate the sale of such Notes), as the Board shall determine
21 by ordinance adopted with the affirmative votes of at least 9
22 Directors. In case any officer whose signature appears on any
23 bonds, notes or coupons authorized pursuant to this Section
24 shall cease to be such officer before delivery of such bonds or
25 notes, such signature shall nevertheless be valid and
26 sufficient for all purposes, the same as if such officer had

1 remained in office until such delivery. Neither the Directors
2 of the Authority nor any person executing any bonds or notes
3 thereof shall be liable personally on any such bonds or notes
4 or coupons by reason of the issuance thereof.

5 (c) All bonds or notes of the Authority issued pursuant to
6 this Section shall be general obligations of the Authority to
7 which shall be pledged the full faith and credit of the
8 Authority, as provided in this Section. Such bonds or notes
9 shall be secured as provided in the authorizing ordinance,
10 which may, notwithstanding any other provision of this Act,
11 include in addition to any other security, a specific pledge or
12 assignment of and lien on or security interest in any or all
13 tax receipts of the Authority and on any or all other revenues
14 or moneys of the Authority from whatever source, which may by
15 law be utilized for debt service purposes and a specific pledge
16 or assignment of and lien on or security interest in any funds
17 or accounts established or provided for by the ordinance of the
18 Authority authorizing the issuance of such bonds or notes. Any
19 such pledge, assignment, lien or security interest for the
20 benefit of holders of bonds or notes of the Authority shall be
21 valid and binding from the time the bonds or notes are issued
22 without any physical delivery or further act and shall be valid
23 and binding as against and prior to the claims of all other
24 parties having claims of any kind against the Authority or any
25 other person irrespective of whether such other parties have
26 notice of such pledge, assignment, lien or security interest.

1 The obligations of the Authority incurred pursuant to this
2 Section shall be superior to and have priority over any other
3 obligations of the Authority.

4 The Authority may provide in the ordinance authorizing the
5 issuance of any bonds or notes issued pursuant to this Section
6 for the creation of, deposits in, and regulation and
7 disposition of sinking fund or reserve accounts relating to
8 such bonds or notes. The ordinance authorizing the issuance of
9 any bonds or notes pursuant to this Section may contain
10 provisions as part of the contract with the holders of the
11 bonds or notes, for the creation of a separate fund to provide
12 for the payment of principal and interest on such bonds or
13 notes and for the deposit in such fund from any or all the tax
14 receipts of the Authority and from any or all such other moneys
15 or revenues of the Authority from whatever source which may by
16 law be utilized for debt service purposes, all as provided in
17 such ordinance, of amounts to meet the debt service
18 requirements on such bonds or notes, including principal and
19 interest, and any sinking fund or reserve fund account
20 requirements as may be provided by such ordinance, and all
21 expenses incident to or in connection with such fund and
22 accounts or the payment of such bonds or notes. Such ordinance
23 may also provide limitations on the issuance of additional
24 bonds or notes of the Authority. No such bonds or notes of the
25 Authority shall constitute a debt of the State of Illinois.
26 Nothing in this Act shall be construed to enable the Authority

1 to impose any ad valorem tax on property.

2 (d) The ordinance of the Authority authorizing the issuance
3 of any bonds or notes may provide additional security for such
4 bonds or notes by providing for appointment of a corporate
5 trustee (which may be any trust company or bank having the
6 powers of a trust company within the state) with respect to
7 such bonds or notes. The ordinance shall prescribe the rights,
8 duties and powers of the trustee to be exercised for the
9 benefit of the Authority and the protection of the holders of
10 such bonds or notes. The ordinance may provide for the trustee
11 to hold in trust, invest and use amounts in funds and accounts
12 created as provided by the ordinance with respect to the bonds
13 or notes. The ordinance may provide for the assignment and
14 direct payment to the trustee of any or all amounts produced
15 from the sources provided in Section 4.03 and Section 4.09 of
16 this Act and provided in Section 6z-17 of "An Act in relation
17 to State finance", approved June 10, 1919, as amended. Upon
18 receipt of notice of any such assignment, the Department of
19 Revenue and the Comptroller of the State of Illinois shall
20 thereafter, notwithstanding the provisions of Section 4.03 and
21 Section 4.09 of this Act and Section 6z-17 of "An Act in
22 relation to State finance", approved June 10, 1919, as amended,
23 provide for such assigned amounts to be paid directly to the
24 trustee instead of the Authority, all in accordance with the
25 terms of the ordinance making the assignment. The ordinance
26 shall provide that amounts so paid to the trustee which are not

1 required to be deposited, held or invested in funds and
2 accounts created by the ordinance with respect to bonds or
3 notes or used for paying bonds or notes to be paid by the
4 trustee to the Authority.

5 (e) Any bonds or notes of the Authority issued pursuant to
6 this Section shall constitute a contract between the Authority
7 and the holders from time to time of such bonds or notes. In
8 issuing any bond or note, the Authority may include in the
9 ordinance authorizing such issue a covenant as part of the
10 contract with the holders of the bonds or notes, that as long
11 as such obligations are outstanding, it shall make such
12 deposits, as provided in paragraph (c) of this Section. It may
13 also so covenant that it shall impose and continue to impose
14 taxes, as provided in Section 4.03 of this Act and in addition
15 thereto as subsequently authorized by law, sufficient to make
16 such deposits and pay the principal and interest and to meet
17 other debt service requirements of such bonds or notes as they
18 become due. A certified copy of the ordinance authorizing the
19 issuance of any such obligations shall be filed at or prior to
20 the issuance of such obligations with the Comptroller of the
21 State of Illinois and the Illinois Department of Revenue.

22 (f) The State of Illinois pledges to and agrees with the
23 holders of the bonds and notes of the Authority issued pursuant
24 to this Section that the State will not limit or alter the
25 rights and powers vested in the Authority by this Act so as to
26 impair the terms of any contract made by the Authority with

1 such holders or in any way impair the rights and remedies of
2 such holders until such bonds and notes, together with interest
3 thereon, with interest on any unpaid installments of interest,
4 and all costs and expenses in connection with any action or
5 proceedings by or on behalf of such holders, are fully met and
6 discharged. In addition, the State pledges to and agrees with
7 the holders of the bonds and notes of the Authority issued
8 pursuant to this Section that the State will not limit or alter
9 the basis on which State funds are to be paid to the Authority
10 as provided in this Act, or the use of such funds, so as to
11 impair the terms of any such contract. The Authority is
12 authorized to include these pledges and agreements of the State
13 in any contract with the holders of bonds or notes issued
14 pursuant to this Section.

15 (g) (1) Except as provided in subdivisions (g)(2) and
16 (g)(3) of Section 4.04 of this Act, the Authority shall not
17 at any time issue, sell or deliver any bonds or notes
18 (other than Working Cash Notes) pursuant to this Section
19 4.04 which will cause it to have issued and outstanding at
20 any time in excess of \$800,000,000 of such bonds and notes
21 (other than Working Cash Notes). The Authority shall not at
22 any time issue, sell, or deliver any Working Cash Notes
23 pursuant to this Section that will cause it to have issued
24 and outstanding at any time in excess of \$400,000,000
25 ~~\$100,000,000. Notwithstanding the foregoing, before July~~
26 ~~1, 2009, the Authority may issue, sell, and deliver an~~

1 ~~additional \$300,000,000 in Working Cash Notes, provided~~
2 ~~that any such additional notes shall mature on or before~~
3 ~~June 30, 2011.~~ Bonds or notes which are being paid or
4 retired by such issuance, sale or delivery of bonds or
5 notes, and bonds or notes for which sufficient funds have
6 been deposited with the paying agency of such bonds or
7 notes to provide for payment of principal and interest
8 thereon or to provide for the redemption thereof, all
9 pursuant to the ordinance authorizing the issuance of such
10 bonds or notes, shall not be considered to be outstanding
11 for the purposes of the first two sentences of this
12 subsection.

13 (2) In addition to the authority provided by paragraphs
14 (1) and (3), the Authority is authorized to issue, sell and
15 deliver bonds or notes for Strategic Capital Improvement
16 Projects approved pursuant to Section 4.13 as follows:

17 \$100,000,000 is authorized to be issued on or after
18 January 1, 1990;

19 an additional \$100,000,000 is authorized to be issued
20 on or after January 1, 1991;

21 an additional \$100,000,000 is authorized to be issued
22 on or after January 1, 1992;

23 an additional \$100,000,000 is authorized to be issued
24 on or after January 1, 1993;

25 an additional \$100,000,000 is authorized to be issued
26 on or after January 1, 1994; and

1 the aggregate total authorization of bonds and notes
2 for Strategic Capital Improvement Projects as of January 1,
3 1994, shall be \$500,000,000.

4 The Authority is also authorized to issue, sell, and
5 deliver bonds or notes in such amounts as are necessary to
6 provide for the refunding or advance refunding of bonds or
7 notes issued for Strategic Capital Improvement Projects
8 under this subdivision (g)(2), provided that no such
9 refunding bond or note shall mature later than the final
10 maturity date of the series of bonds or notes being
11 refunded, and provided further that the debt service
12 requirements for such refunding bonds or notes in the
13 current or any future fiscal year shall not exceed the debt
14 service requirements for that year on the refunded bonds or
15 notes.

16 (3) In addition to the authority provided by paragraphs
17 (1) and (2), the Authority is authorized to issue, sell,
18 and deliver bonds or notes for Strategic Capital
19 Improvement Projects approved pursuant to Section 4.13 as
20 follows:

21 \$260,000,000 is authorized to be issued on or after
22 January 1, 2000;

23 an additional \$260,000,000 is authorized to be issued
24 on or after January 1, 2001;

25 an additional \$260,000,000 is authorized to be issued
26 on or after January 1, 2002;

1 an additional \$260,000,000 is authorized to be issued
2 on or after January 1, 2003;

3 an additional \$260,000,000 is authorized to be issued
4 on or after January 1, 2004; and

5 the aggregate total authorization of bonds and notes
6 for Strategic Capital Improvement Projects pursuant to
7 this paragraph (3) as of January 1, 2004 shall be
8 \$1,300,000,000.

9 The Authority is also authorized to issue, sell, and
10 deliver bonds or notes in such amounts as are necessary to
11 provide for the refunding or advance refunding of bonds or
12 notes issued for Strategic Capital Improvement projects
13 under this subdivision (g)(3), provided that no such
14 refunding bond or note shall mature later than the final
15 maturity date of the series of bonds or notes being
16 refunded, and provided further that the debt service
17 requirements for such refunding bonds or notes in the
18 current or any future fiscal year shall not exceed the debt
19 service requirements for that year on the refunded bonds or
20 notes.

21 (h) The Authority, subject to the terms of any agreements
22 with noteholders or bond holders as may then exist, shall have
23 power, out of any funds available therefor, to purchase notes
24 or bonds of the Authority, which shall thereupon be cancelled.

25 (i) In addition to any other authority granted by law, the
26 State Treasurer may, with the approval of the Governor, invest

1 or reinvest, at a price not to exceed par, any State money in
2 the State Treasury which is not needed for current expenditures
3 due or about to become due in Working Cash Notes.

4 (Source: P.A. 94-793, eff. 5-19-06; 95-708, eff. 1-18-08.)

5 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

6 Sec. 4.11. Budget Review Powers.

7 (a) Based upon estimates which shall be given to the
8 Authority by the Director of the Governor's Office of
9 Management and Budget (formerly Bureau of the Budget) of the
10 receipts to be received by the Authority from the taxes imposed
11 by the Authority and the authorized estimates of amounts to be
12 available from State and other sources to the Service Boards,
13 and the times at which such receipts and amounts will be
14 available, the Board shall, not later than the next preceding
15 September 15th prior to the beginning of the Authority's next
16 fiscal year, advise each Service Board of the amounts estimated
17 by the Board to be available for such Service Board during such
18 fiscal year and the two following fiscal years and the times at
19 which such amounts will be available. The Board shall also
20 advise the Service Boards of the estimated operating deficit of
21 the Suburban Bus Board in the provision of ADA paratransit
22 service during the next fiscal year, and the amount estimated
23 to be deposited into the ADA Paratransit Fund during that
24 fiscal year under Section 4.03.3. The Board shall, at the same
25 time, also advise each Service Board of its required system

1 generated revenues recovery ratio for the next fiscal year
2 which shall be the percentage of the aggregate costs of
3 providing public transportation by or under jurisdiction of
4 that Service Board which must be recovered from system
5 generated revenues. The Board shall, at the same time,
6 beginning with the 2007 fiscal year, also advise each Service
7 Board that provides ADA paratransit services of its required
8 system generated ADA paratransit services revenue recovery
9 ratio for the next fiscal year which shall be the percentage of
10 the aggregate costs of providing ADA paratransit services by or
11 under jurisdiction of that Service Board which must be
12 recovered from fares charged for such services, except that
13 such required system generated ADA paratransit services
14 revenue recovery ratio shall not exceed the minimum percentage
15 established pursuant to Section 4.01(b)(ii) of this Act. In
16 determining a Service Board's system generated revenue
17 recovery ratio, the Board shall consider the historical system
18 generated revenues recovery ratio for the services subject to
19 the jurisdiction of that Service Board. The Board shall not
20 increase a Service Board's system generated revenues recovery
21 ratio for the next fiscal year over such ratio for the current
22 fiscal year disproportionately or prejudicially to increases
23 in such ratios for other Service Boards. The Board may, by
24 ordinance, provide that (i) the cost of research and
25 development projects in the fiscal year beginning January 1,
26 1986 and ending December 31, 1986 conducted pursuant to Section

1 2.09 of this Act, (ii) the costs for passenger security, and
2 (iii) expenditures of amounts granted to a Service Board from
3 the Innovation, Coordination, and Enhancement Fund for
4 operating purposes may be exempted from the farebox recovery
5 ratio or the system generated revenues recovery ratio of the
6 Chicago Transit Authority, the Suburban Bus Board, and the
7 Commuter Rail Board, or any of them. During fiscal years 2008
8 through 2012, the Board may also allocate the exemption of
9 \$200,000,000 and the reducing amounts of costs provided by this
10 amendatory Act of the 95th General Assembly from the farebox
11 recovery ratio or system generated revenues recovery ratio of
12 each Service Board.

13 (b) (1) Not later than the next preceding November 15 prior
14 to the commencement of such fiscal year, each Service Board
15 shall submit to the Authority its proposed budget for such
16 fiscal year and its proposed financial plan for the two
17 following fiscal years. Such budget and financial plan shall
18 (i) be prepared in the format, follow the financial and
19 budgetary practices, and be based on any assumptions and
20 projections required by the Authority and (ii) not project or
21 assume a receipt of revenues from the Authority in amounts
22 greater than those set forth in the estimates provided by the
23 Authority pursuant to subsection (a) of this Section and, for
24 ADA paratransit service, the budget and financial plan of the
25 Suburban Bus Board shall not project or assume a receipt of
26 revenues from the Authority in amounts greater than the

1 operating deficit estimated by the Board.

2 (2) The Board shall review the proposed budget and two-year
3 financial plan submitted by each Service Board. The Board shall
4 approve the budget and two-year financial plan of a Service
5 Board if:

6 (i) such budget and plan show a balance between (A)
7 anticipated revenues from all sources including operating
8 subsidies and (B) the costs of providing the services
9 specified and of funding any operating deficits or
10 encumbrances incurred in prior periods, including
11 provision for payment when due of principal and interest on
12 outstanding indebtedness;

13 (ii) such budget and plan show cash balances including
14 the proceeds of any anticipated cash flow borrowing
15 sufficient to pay with reasonable promptness all costs and
16 expenses as incurred;

17 (iii) such budget and plan provide for a level of fares
18 or charges and operating or administrative costs for the
19 public transportation provided by or subject to the
20 jurisdiction of such Service Board sufficient to allow the
21 Service Board to meet its required system generated revenue
22 recovery ratio and, beginning with the 2007 fiscal year,
23 system generated ADA paratransit services revenue recovery
24 ratio;

25 (iv) such budget and plan are based upon and employ
26 assumptions and projections which are reasonable and

1 prudent;

2 (v) such budget and plan have been prepared in
3 accordance with sound financial practices as determined by
4 the Board;

5 (vi) such budget and plan meet such other financial,
6 budgetary, or fiscal requirements that the Board may by
7 rule or regulation establish; and

8 (vii) such budget and plan are consistent with the
9 goals and objectives adopted by the Authority in the
10 Strategic Plan.

11 (3) (Blank).

12 (4) Unless the Board by an affirmative vote of 12 of the
13 then Directors determines that the budget and financial plan of
14 a Service Board meets the criteria specified in clauses (i)
15 through (vii) of subparagraph (2) of this paragraph (b), the
16 Board shall withhold from that Service Board 25% of the cash
17 proceeds of taxes imposed by the Authority under Section 4.03
18 and Section 4.03.1 and received after February 1 and 25% of the
19 amounts transferred to the Authority from the Public
20 Transportation Fund under Section 4.09(a) (but not including
21 Section 4.09(a)(3)(iv)) after February 1 that the Board has
22 estimated to be available to that Service Board under Section
23 4.11(a). Such funding shall be released to the Service Board
24 only upon approval of a budget and financial plan under this
25 Section or adoption of a budget and financial plan on behalf of
26 the Service Board by the Authority.

1 (5) If the Board has not found that the budget and
2 financial plan of a Service Board meets the criteria specified
3 in clauses (i) through (vii) of subparagraph (2) of this
4 paragraph (b), the Board, by the affirmative vote of at least
5 12 of its then Directors, shall adopt a budget and financial
6 plan meeting such criteria for that Service Board.

7 (c)(1) If the Board shall at any time have received a
8 revised estimate, or revises any estimate the Board has made,
9 pursuant to this Section of the receipts to be collected by the
10 Authority which, in the judgment of the Board, requires a
11 change in the estimates on which the budget of any Service
12 Board is based, the Board shall advise the affected Service
13 Board of such revised estimates, and such Service Board shall
14 within 30 days after receipt of such advice submit a revised
15 budget incorporating such revised estimates. If the revised
16 estimates require, in the judgment of the Board, that the
17 system generated revenues recovery ratio of one or more Service
18 Boards be revised in order to allow the Authority to meet its
19 required ratio, the Board shall advise any such Service Board
20 of its revised ratio and such Service Board shall within 30
21 days after receipt of such advice submit a revised budget
22 incorporating such revised estimates or ratio.

23 (2) Each Service Board shall, within such period after the
24 end of each fiscal quarter as shall be specified by the Board,
25 report to the Authority its financial condition and results of
26 operations and the financial condition and results of

1 operations of the public transportation services subject to its
2 jurisdiction, as at the end of and for such quarter. If in the
3 judgment of the Board such condition and results are not
4 substantially in accordance with such Service Board's budget
5 for such period, the Board shall so advise such Service Board
6 and such Service Board shall within the period specified by the
7 Board submit a revised budget incorporating such results.

8 (2-5) If the Executive Director, at any time after
9 reviewing the financial condition and results of operations of
10 ADA paratransit services, revises the estimate of the operating
11 deficit in the provision of ADA paratransit service and
12 determines that amounts on deposit in the ADA Paratransit Fund
13 and other resources are inadequate to fund that revised
14 operating deficit, then, unless such determination is rejected
15 by a vote of 12 of the members of the Board, the Board shall
16 authorize the issuance of Working Cash Notes to fund that
17 operating deficit.

18 (3) If the Board shall determine that a revised budget
19 submitted by a Service Board pursuant to subparagraph (1) or
20 (2) of this paragraph (c) does not meet the criteria specified
21 in clauses (i) through (vii) of subparagraph (2) of paragraph
22 (b) of this Section, the Board shall withhold from that Service
23 Board 25% of the cash proceeds of taxes imposed by the
24 Authority under Section 4.03 or 4.03.1 and received by the
25 Authority after February 1 and 25% of the amounts transferred
26 to the Authority from the Public Transportation Fund under

1 Section 4.09(a) (but not including Section 4.09(a)(3)(iv))
2 after February 1 that the Board has estimated to be available
3 to that Service Board under Section 4.11(a). If the Service
4 Board submits a revised financial plan and budget which plan
5 and budget shows that the criteria will be met within a four
6 quarter period, the Board shall release any such withheld funds
7 to the Service Board. The Board by the affirmative vote of at
8 least 12 of its then Directors may require a Service Board to
9 submit a revised financial plan and budget which shows that the
10 criteria will be met in a time period less than four quarters.

11 (d) All budgets and financial plans, financial statements,
12 audits and other information presented to the Authority
13 pursuant to this Section or which may be required by the Board
14 to permit it to monitor compliance with the provisions of this
15 Section shall be prepared and presented in such manner and
16 frequency and in such detail as shall have been prescribed by
17 the Board, shall be prepared on both an accrual and cash flow
18 basis as specified by the Board, shall present such information
19 as the Authority shall prescribe that fairly presents the
20 condition of any pension plan or trust for health care benefits
21 with respect to retirees established by the Service Board and
22 describes the plans of the Service Board to meet the
23 requirements of Sections 4.02a and 4.02b, and shall identify
24 and describe the assumptions and projections employed in the
25 preparation thereof to the extent required by the Board. If the
26 Executive Director certifies that a Service Board has not

1 presented its budget and two-year financial plan in conformity
2 with the rules adopted by the Authority under the provisions of
3 Section 4.01(f) and this subsection (d), and such certification
4 is accepted by the affirmative vote of at least 12 of the then
5 Directors of the Authority, the Authority shall not distribute
6 to that Service Board any funds for operating purposes in
7 excess of the amounts distributed for such purposes to the
8 Service Board in the previous fiscal year. Except when the
9 Board adopts a budget and a financial plan for a Service Board
10 under paragraph (b) (5), a Service Board shall provide for such
11 levels of transportation services and fares or charges therefor
12 as it deems appropriate and necessary in the preparation of a
13 budget and financial plan meeting the criteria set forth in
14 clauses (i) through (vii) of subparagraph (2) of paragraph (b)
15 of this Section. The Authority shall have access to and the
16 right to examine and copy all books, documents, papers,
17 records, or other source data of a Service Board relevant to
18 any information submitted pursuant to this Section.

19 (e) Whenever this Section requires the Board to make
20 determinations with respect to estimates, budgets or financial
21 plans, or rules or regulations with respect thereto such
22 determinations shall be made upon the affirmative vote of at
23 least 12 of the then Directors and shall be incorporated in a
24 written report of the Board and such report shall be submitted
25 within 10 days after such determinations are made to the
26 Governor, the Mayor of Chicago (if such determinations relate

1 to the Chicago Transit Authority), and the Auditor General of
2 Illinois.

3 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."